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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,788	01/30/2002	Akihiro Denda	107156-00094	4717

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EXAMINER	
ALI, MOHAMMAD	
ART UNIT	**PAPER NUMBER**
2167	

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/058,788	DENDA ET AL.	
	Examiner	Art Unit	
	Mohammad Ali	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to the amendment filed on 12/09/04.

Claims 1-10 are pending in this Office Action.

Response to Arguments

2. After further search and a thorough examination of the present application claims 1-10 remain rejected.

Applicants' arguments with respect to claims 1-10 have been considered, but they are not deemed to be persuasive.

First, Applicant's argue that Matsumi does not teach 'title information is appended to each individual data file'.

In response to applicant's arguments, the Examiner respectfully submits that in particular, Matsumi teaches this limitation as, by recording file system information B having the data having already been recorded and the append-recorded data, a normal condition can be restored, see col. 27, lines 30-32 and lines 59-61, Matsumi.

Second, Applicant's argue that Matsumi does not teach 'appending information indicating an absence of the title information to said program information so as to be recorded into said first recording unit'.

In response to applicant's arguments, the Examiner respectfully submits that in particular, Matsumi teaches this limitation as, the file system information A is recorded in data having already been recorded. The same file system information A is recorded twice, and the information title end indicating the end position of the program is set so as to indicate the recording end position of the entry of first file system information and

then recorded. The file system information A is recorded in two adjacent areas; an address indicating the position between the two areas is recorded at the predetermined position of the tape 110 or on the additional recording medium 113. After recording is carried out, if additional recording is carried out by a conventional apparatus not conforming to the file system information, the file system information A recorded at the second time is not recognized, data is recorded from the information title end indicating the end position of the program, and the file system information A recorded at the second time is deleted completely. In this condition, an abnormal condition can be recognized because two pieces of the file system information A are not present, and file restructuring can be carried out without problems hereafter because the file system information A itself regarding filed data having already been recorded remains. By recording the file system information B having the data having already been recorded and the append-recorded data the normal condition can be restored, see col. 27, lines 35-61, Matsumi.

Third, Applicant's argue that Matsumi does not teach 'function of appending the title information obtained to said program information so as to be recorded into said first recording unit in the case that title information corresponding to said program information corresponding to said program information is obtained searching through said second recording unit based on management information obtained'.

In response to applicant's arguments, the Examiner respectfully submits that in particular, Matsumi teaches this limitation as stated above.

Fourth, Applicant's argue that Matsumi does not teach 'control means for, when said program information is recorded into said first recording unit,...'.

In response to applicant's arguments, the Examiner respectfully submits that in particular, Matsumi teaches this limitation as a control means for controlling said recording/reproducing means in accordance with said command signals or said operation signal, see col. 7, lines 46-50, Matsumi.

Fourth, Applicant's argue that combination of references does not teach claimed invention'.

In response to applicant's arguments Matsumi does not explicitly indicate the claimed "communication network". Fujinami remedy such kinds of deficiency by teaching as presentation media for presenting a computer program to be executed for carrying out the processing to the user, communication media network and a satellite can be used in addition to a magnetic disc, a CD-ROM and a recording medium such as solid-state memory, see col. 24, lines 45-50, Fujinami). It would have been obvious to one ordinary skill in the recording media processing art at the time of the present invention to combine the teachings of the cited references because the communication network of Fujinami's teachings would have allowed Matsumi's system in the recording/playback environment to capable of recording data distinguishing overwrite recording from append recording as suggested by Fujinamo at col. 1, lines 11-14. Communication network as taught by Fujinamo improves to judge the indication of append-recording (see col. 1, lines 50-51, Fujinamo).

Hence, Applicants' arguments do not distinguish over the claimed invention over the prior art of record.

In light of the foregoing arguments, the 103 rejections are hereby sustained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumi et al. ('Matsumi' hereinafter), USP 6,711,343 in view of Fujinamo et al. ('Fujinamo' hereinafter), USP 6,385,152.

With respect to claim 1,

Matsumi discloses an information recording and reproducing apparatus for recording program information reproduced from an information recording medium or program information supplied via a communication network into recording device (see col. 6, lines 2-10, Matsumi), said apparatus comprising:

a first recording unit, provided in said recording device, for recording said program information reproduced from the information recording medium or said program information supplied via the communication network (see col. 6, lines 6-10, Matsumi);

a second recording unit, provided in said recording device, for recording title information corresponding to said program information prior to recording said program information (see col. 27, lines 17-26, Fig. 12(a), Matsumi); and

control means for, when said program information is recorded into said first recording unit, (a) obtaining management information for managing said program information recorded in the information recording medium or supplied via the communication network (see col. 27, lines 17-29, Matsumi), (b) in case that the title information corresponding to said program information is obtained by searching (see col. 25, lines 6-10, Matsumi) through said second recording unit based on the management information obtained, appending the title information obtained to said program information so as to be recorded into said first recording unit (see col. 27, lines 30-34, Matsumi), and (c) in case that the title information corresponding to said program information is not obtained by searching through said second recording unit based on

the management information obtained, appending information indicating an absence of the title information to said program information so as to be recorded into said first recording unit (see col. 28, lines 19-22, Matsumi).

Matsumi does not explicitly indicate the claimed "communication network".

Fujinami discloses claimed communication network (as presentation media for presenting a computer program to be executed for carrying out the processing to the user, communication media network and a satellite can be used in addition to a magnetic disc, a CD-ROM and a recording medium such as solid-state memory, see col. 24, lines 45-50, Fujinami).

It would have been obvious to one ordinary skill in the recording media processing art at the time of the present invention to combine the teachings of the cited references because the communication network of Fujinami's teachings would have allowed Matsumi's system in the recording/playback environment to capable of recording data distinguishing overwrite recording from append recording as suggested by Fujinamo at col. 1, lines 11-14. Communication network as taught by Fujinamo improves to judge the indication of append-recording (see col. 1, lines 50-51, Fujinamo).

As to claim 2,

Matsumi teaches wherein, when updated title information is supplied by way of an information recording medium or via the communication network, said control means records said updated title information into said second recording unit, and searches through said second recording unit (after updating) for the title information corresponding to said program information appended with the information indicating the

absence of the title information, and when the title information corresponding to said program information is obtained, said control means appends the title information obtained to said program information so as to be recorded into said first recording unit (see col. 27, lines 21-29 and col. 28, lines 19-22, Matsumi).

As to claim 3,

Matsumi teaches wherein said control means searches through said second recording unit after updating, based on the management information for managing said program information appended with the information indicating the absence of the title information (see col. 34, lines 48-50, Matsumi).

As to claim 4,

Matsumi teaches further comprising one of the followings: reproducing means for reproducing the information recording medium having recorded the updated title information (see col. 27, lines 50 to col. 28, lines 2, Matsumi); and

receiving means for receiving the updated title information supplied via the communication network (see col. 20, lines 63-66, Matsumi).

With respect to claim 5,

Matsumi discloses a method of appending title information for appending title information to program information reproduced from an information recording medium or program information supplied via a communication network so as to be recorded into recording device (see col. 6, lines 2-10, Matsumi), said method comprising:

the step of recording said program information reproduced from the information recording medium or said program information supplied via the communication network

into a first recording unit provided in said recording device (see col. 6, lines 6-10, Matsumi);

the step of, when said program information is recorded into said first recording unit, obtaining management information for managing said program information recorded in the information recording medium or supplied via the communication network, and, based on the management information obtained, searching through a second recording unit equipped in said recording device provided for recording title information corresponding to said program information prior to recording said program information (see col. 27, lines 17-26, Fig. 12(a), Matsumi); and

the step of appending the title information to said program information so as to be recorded into said first recording unit when the title information corresponding to said program information is obtained in said step of searching (see col. 25, lines 6-10, Matsumi), and appending information indicating an absence of the title information to said program information so as to be recorded into said first recording unit when the title information corresponding to said program information is not obtained in said step of searching (see col. 28, lines 19-22 et seq, Matsumi).

Matsumi does not explicitly indicate the claimed "communication network".

Fujinami discloses claimed communication network (as presentation media for presenting a computer program to be executed for carrying out the processing to the user, communication media network and a satellite can be used in addition to a magnetic disc, a CD-ROM and a recording medium such as solid-state memory, see col. 24, lines 45-50, Fujinami).

It would have been obvious to one ordinary skill in the recording media processing art at the time of the present invention to combine the teachings of the cited references because the communication network of Fujinami's teachings would have allowed Matsumi's system in the recording/playback environment to capable of recording data distinguishing overwrite recording from append recording as suggested by Fujinamo at col. 1, lines 11-14. Communication network as taught by Fujinamo improves to judge the indication of append-recording (see col. 1, lines 50-51, Fujinamo).

As to claim 6,

Matsumi teaches the step of obtaining updated title information when the updated title information is supplied by way of an information recording medium or via the communication network (see col. 27, lines 21-29 and col. 28, lines 19-22, Matsumi);

the step of recording the updated title information obtained into said second recording unit, and searching through said second recording unit (after updating) for the title information corresponding to said program information appended with the information indicating the absence of the title information (see col. 28, lines 19-22, Matsumi); and

the step of appending the title information to said program information so as to be recorded into said first recording unit when the title information corresponding to said program information is obtained by searching through said second recording unit after updating (see col. 27, lines 21-29 and col. 28, lines 19-22, Matsumi).

As to claim 7,

Matsumi teaches wherein, in said step of searching through said second recording unit after updating, said second recording unit after updating is searched through based on the management information for managing said program information appended with the information indicating the absence of the title information (see col. 28, lines 19-22, Matsumi).

With respect to claim 8,

Matsumi discloses a program recording medium having recorded a title information appending procedure program for allowing a computer to execute a process to append title information to program information reproduced from an information recording medium or program information supplied via a communication network so as to be recorded into recording device (see col. 6, lines 2-10, Matsumi), the title information appending procedure comprising:

the procedural step of recording said program information reproduced from the information recording medium or said program information supplied via the communication network into a first recording unit provided in said recording device (see col. 6, lines 6-10, Matsumi);

the procedural step of, when said program information is recorded into said first recording unit, obtaining management information for managing said program information recorded in the information recording medium or supplied via the communication network, and, based on the management information obtained, searching through a second recording unit equipped in said recording device provided

for pre-recording the title information corresponding to said program information (see col. 27, lines 17-26, Fig. 12(a), Matsumi); and

the procedural step of appending the title information to said program information so as to be recorded into said first recording unit when the title information corresponding to said program information is obtained in said procedural step of searching, and appending information indicating an absence of the title information to said program information so as to be recorded into said first recording unit when the title information corresponding to said program information is not obtained in said procedural step of searching (see col. 28, lines 19-22, Matsumi).

Matsumi does not explicitly indicate the claimed "communication network".

Fujinami discloses claimed communication network (as presentation media for presenting a computer program to be executed for carrying out the processing to the user, communication media network and a satellite can be used in addition to a magnetic disc, a CD-ROM and a recording medium such as solid-state memory, see col. 24, lines 45-50, Fujinami).

It would have been obvious to one ordinary skill in the recording media processing art at the time of the present invention to combine the teachings of the cited references because the communication network of Fujinami's teachings would have allowed Matsumi's system in the recording/playback environment to capable of recording data distinguishing overwrite recording from append recording as suggested by Fujinamo at col. 1, lines 11-14. Communication network as taught by Fujinamo improves to judge the indication of append-recording (see col. 1, lines 50-51, Fujinamo).

As to claim 9,

Matsumi teachesthe procedural step of obtaining updated title information when the updated title information is supplied by way of an information recording medium or via the communication network (see col. 27, lines 21-29 and col. 28, lines 19-22, Matsumi);

the procedural step of recording the updated title information obtained into said second recording unit, and searching through said second recording unit after updating for the title information corresponding to said program information appended with the information indicating the absence of the title information (see col. 28, lines 19-22, Matsumi); and

the procedural step of appending the title information to said program information so as to be recorded into said first recording unit when the title information corresponding to said program information is obtained by searching through said second recording unit after updating (see col. 27, lines 21-29 and col. 28, lines 19-22, Matsumi).

As to claim 10,

Matsumi teaches wherein said procedural step of searching through said second recording unit after updating includes the procedural step of searching through said second recording unit (after updating) based on the management information for managing said program information appended with the information indicating the absence of the title information (see col. 28, lines 19-22 et seq, Matsumi).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Ali
Primary Examiner
Art Unit 2167

MA
April 10, 2005